

SECTION 103 AWARD AND EXECUTION OF CONTRACT

103.01 CONSIDERATION OF PROPOSALS. Bid proposals will be compared on the basis of the summation of the item total prices shown in the bid schedule.

103.02 AWARD OF CONTRACT. The Contract will be awarded within 45 calendar days after the bid opening to the lowest responsive, responsible, and qualified bidder whose bid proposal complies with all the requirements. The successful bidder will be notified in writing of the acceptance of the proposal and the award of the Contract.

If the Contract is not awarded within 45 calendar days, all bid proposals will be rejected and the proposal guaranties returned. The Commission can extend the 45 day time period.

103.03 ASSIGNMENT OF CLAIMS. In consideration of being awarded the Contract, the Contractor, on its own behalf and on behalf of its subcontractors, assigns to the Department all claims or causes of action for any antitrust law violations, or damages arising therefrom, as to goods, materials, and services purchased under the terms of the Contract or any change order that may result from the Contract.

103.04 CANCELLATION OF AWARD. The award of the Contract may be canceled at any time before the execution of the Contract by all parties without liability against the Department.

103.05 RETURN OF PROPOSAL GUARANTY. Except for the three lowest bidders, all proposal guaranties other than bid bonds will be returned immediately following opening and checking of the proposals. The retained proposal guaranties of the unsuccessful two lowest bidders will be returned within 10 calendar days following the award of the Contract. The successful bidder's proposal guaranty will be returned after a satisfactory contract bond has been furnished and the Contract has been executed.

103.06 CONTRACT BOND. Furnish an executed contract bond or bonds in a sum equal to the Contract amount under Subsection 103.07. Use a form provided by the Department and executed by a surety company authorized by law to transact business in the State.

103.07 EXECUTION AND APPROVAL OF CONTRACT. Return to the Department within 20 calendar days after receipt of the contract documents:

- A. The signed Contract;
- B. The contract bond;
- C. A copy of the insurance policy or a certificate of insurance;
- D. A copy of a current special fuel users permit issued under 15-70-302 MCA.

A proposal will not be binding unless all the above requirements have been satisfied.

Do not begin work before:

- A. The Contract is executed;
- B. Contract bond is completed;
- C. Evidence of the required insurance is provided.

The Contract, bond, and insurance are subject to legal approval after execution by the Contractor and Surety.

103.08 FAILURE TO EXECUTE CONTRACT. Upon failure to execute the Contract and file acceptable bonds and insurance policies within 20 calendar days after receipt of the Contract the award may be canceled and the proposal guaranty forfeited under the provisions of Section 18-1-204, MCA. Award may then be made to the next lowest responsive, responsible and qualified bidder, or the work may be re-advertised.